

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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X :  
GUSTAVO PENATE, on behalf of others similarly:  
situated :  
Plaintiff, :  
: 19-CV-8767 (VEC)  
-against- :  
: ORDER  
DBTG CHAMBERS LLC, JOSEPH CIRIELLO, :  
: :  
: Defendants. :  
X

VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff filed this lawsuit on September 20, 2019, *see* Dkt. 1;

WHEREAS Plaintiff filed affidavits reflecting timely service of a summons and the  
Complaint on Defendants, *see* Dkts. 7, 12;

WHEREAS Defendant DBTG Chambers LLC has failed to appear, answer, or otherwise  
respond to the Complaint by the December 3, 2019 deadline, *see* Fed. R. Civ. P. 12(a)(1)

WHEREAS Defendant Joseph Ciriello has failed to appear, answer, or otherwise respond  
to the Complaint by the January 2, 2020 deadline, *see* Fed. R. Civ. P. 12(a)(1)

IT IS ORDERED that Plaintiff must apply for a certificate of default against Defendants  
no later than **February 10, 2020**. Within fourteen days of receiving such a certificate, Plaintiff  
must apply for a default judgment against Defendants, consistent with the procedures described  
in Attachment A to the undersigned's Individual Practices in Civil Cases.

**SO ORDERED.**

**Date: February 3, 2020**  
**New York, NY**

*Valerie Caproni*  
\_\_\_\_\_  
**VALERIE CAPRONI**  
**United States District Judge**